



Docket No. 2788

3731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: R by et al.
Serial No.: 09/964,901 Examiner: Paul A. Roberts
Filed: September 27, 2001 Art Unit: 3731
For: Siliconized Surgical Needles and Method for Their
Manufacture

RECEIVED
AUG 19 2003
TC 1700

CERTIFICATE OF MAILING

Date of Deposit: August 7, 2003
I hereby certify that the following:

- ☒ This Certificate of Mailing
- ☒ Response to Office Action
- ☒ Return postcard

RECEIVED
AUG 15 2003
TECHNOLOGY CENTER R3700

are being deposited with the United States Postal Service first-class mail on the Date of Deposit indicated above in an envelope addressed to the Mail Stop: Non-Fee Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rebecca Layman
Rebecca Layman

Mark Farber
C/O
TYCO HEALTHCARE GROUP LP
150 Glover Avenue
Norwalk, CT 06856
203-845-1059

BEST AVAILABLE COPY



Docket No. 2788

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Roby et al.

Serial No.: 09/964,901

Examiner: Paul A. Roberts

Filed: September 27, 2001

Group Art Unit: 3731

For: Siliconized Surgical Needles and Method for Their Manufacture

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
AUG 15 2003
TECHNOLOGY CENTER PG700

RESPONSE

In response to the Office Action mailed July 14, 2003 in connection with the above referenced application, please consider the following remarks.

REMARKS

Favorable reconsideration of this application is respectfully requested.

Applicants elect the claims of group I, claims 1-15. The remaining claims are withdrawn from consideration. The remaining claims are withdrawn from consideration. These claims, however, are subject to reinstatement in the event the requirement for restriction is withdrawn or overruled.

Despite the provisional election, applicants traverse the restriction requirement. It is respectfully submitted that the Examiner should reconsider the restriction requirement in view of the fact that the separate classification of the subject matter under the classification system of the United States Patent and Trademark Office is not conclusive proof of divisibility and further that under M.P.E.P. §803 the entire application must be examined as a whole when there would not be a serious burden on the Examiner if

BEST AVAILABLE COPY

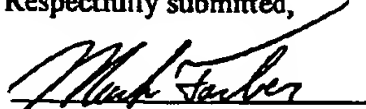
restriction were not required. The fields of search are believed to be coextensive for the three groups identified by the Examiner.

The Examiner has required an election of species for the coating of group III. The election of group I renders this requirement moot. Therefore, no such election has been made and this response is considered complete.

Date:

August 7, 2003

Respectfully submitted,



Mark Farber
Attorney for Applicant
Reg. No. 34,159

U.S. Surgical, A Division of
Tyco Healthcare Group LP
150 Glover Avenue
Norwalk, Connecticut 06856
(203) 845-1059

BEST AVAILABLE COPY